

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :  
: :  
Amena Saied et al. :  
: :  
Serial No.: 09/600,073 : Art Unit: To be assigned  
: :  
Filed: July 11, 2000 : Examiner: To be assigned  
: :  
For: METHOD FOR EXPLORING : Atty Docket: 1029/00205  
AND DISPLAYING TISSUE :  
OF HUMAN OR ANIMAL :  
ORIGIN FROM A HIGH :  
FREQUENCY :  
ULTRASOUND PROBE :

**RENEWED PETITION UNDER 37 CFR § 1.47(a)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

On February 5, 2001, Applicants filed a Petition under 37 CFR § 1.47(a) along with (1) the fee under 37 CFR § 1.17(h), (2) factual proof that the non-signing inventor refuses to executed the application, (3) a statement of the last known address of the non-signing inventor, and (4) an oath or declaration executed by each available inventor on this or her own behalf and on behalf of the non-signing inventor.

On June 12, 2001, a Decision on Petition acknowledged that Applicants had fulfilled requirements (1), (3), and (4) above, but the Decision dismissed the Petition on the ground that the petitioner did not demonstrate that a *bona fide* attempt was made to present a copy of the application papers, including specification, claims, drawings, and declaration to the non-signing inventor.

In this respect, Applicants submit herewith a Transmission of Supplemental Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor and a Supplemental Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor, with Exhibit A and a verified translation of Exhibit A.

As Applicants believe that requirements (1)-(4) mentioned above, have been fulfilled, it is respectfully requested that a favorable Decision be granted.

As acknowledged in the Decision on Petition, no additional petition fee is required, however, the Director is hereby authorized to charge any deficiency associated with this communication, or credit any overpayment, to Deposit Account No. 22-0185.

Respectfully submitted,

A handwritten signature in cursive script that reads "Morris Liss".

Morris Liss, Reg. No. 24,510  
Connolly Bove Lodge & Hutz LLP  
1990 M Street, N.W.  
Washington, D.C. 20036-3425  
Telephone: 202-331-7111

Date: 9/6/01



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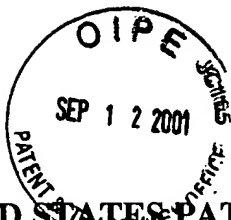
consideration of this paper are hereby authorized to be charged to our Deposit Account  
No. 22-0185.

Respectfully submitted,

A handwritten signature in cursive script that reads "Morris Liss".

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**SUPPLEMENTAL STATEMENT OF FACTS IN SUPPORT OF FILING ON  
BEHALF OF NON-SIGNING INVENTOR (37 CFR § 1.47(a))**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This supplemental statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration by the non-signing inventor for the above-identified patent application.

This statement is being made by the available person having firsthand knowledge of the facts recited herein and is identified as follows:

Chantal Peaucelle

*Name*

Cabinet Armengaud Aîné, 3, Avenue Bugeaud

*Street Address*

75116 Paris, France

*Postal Code, City, Country*

## **DETAILS OF EFFORTS TO REACH NON-SIGNING INVENTOR**

1. The details of efforts to reach the non-signing inventor, as outlined in the original Statement of Facts, filed February 5, 2001, is incorporated herein by reference.

2. On July 23, 2001, the undersigned sent a copy of the application by registered mail to the non-signing inventor, Michel Puech, including specification, claims, drawings, and Declaration. The cover letter accompanying the application is attached and identified as Exhibit A. The verified translation of the cover letter is attached.

2. On July 27, 2001, the undersigned phoned the non-signing inventor at his office and spoke with his secretary, Anne Marie, who took a message that I would call again in pursuit of Mr. Peuch executing the Declaration of the application papers I previously sent.

3. The non-signing inventor returned the phone call and indicated that he had received the mentioned patent application papers but has been repeatedly told by his attorney, Mr. Francis Ahner, of the French patent law firm Cabinet Regimbeau, to refuse to sign. The reason for the refusal is the fact that Mr. Peuch filed a separate application in the U.S. on his own behalf.

4. To date, the patent application papers with executed Declaration has not been returned to either the Assignee or the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001

and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Cabinet Armengaud Aîné

Date: Sept. 6, 2001



By: Chantal Peaucelle

Aïné ARMENGAUD AÎNÉ  
Licencié en Sciences

Chantal PEAUCELLE  
Docteur de spécialité chimie  
Diplômée C.E.I.P.I.

Conseils en Propriété Industrielle  
Mandataires  
Agrées auprès de l'Office Européen des Brevets  
et de l'O.H.M.I. (Marques communautaires)

Claire ARDANOUY  
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DESS de Propriété Industrielle  
Conseil en Propriété Industrielle  
Mandataire agréée auprès de l'O.H.M.I.

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Consultant

Philippe GUILGUET  
Expert en Propriété Industrielle  
agréé par la Cour de Cassation

Services Administratifs  
Annuités, Brevets : Claude SOURD  
Correspondance : Catherine FOIN  
Marques, Dessins et Modèles :  
Caroline de BONTIN

CABINET ARMENGAUD AÎNÉ FONDÉ EN 1836

Société Civile Professionnelle de Conseils en Propriété Industrielle  
Patent and Trade Mark Attorneys

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Procès en contrefaçon - Recherches d'antériorités - Consultations

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E-mail : armengau@club-internet.fr

COPIE

Monsieur M. PUECH  
14, avenue de Breteuil

75007 PARIS

Exhibit A

Paris, le

23 juillet 2001

v/réf. :  
n/réf. : CP/59255-1163

RECOMMANDEE A.R.

Pièces annoncées :

Demande de brevet U.S. 09/600 073 du 11 juillet 2000 – Phase nationale de la demande  
PCT/FR99/00040 du 12 janvier 1999

« Method for exploring and displaying tissue of human or animal  
origin from a high frequency ultrasound probe »

Monsieur,

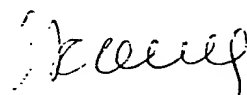
Ainsi que vous en avez été informé, vous êtes mentionné comme co-inventeur dans les  
différents dépôts effectués par le CNRS pour protéger l'invention en référence.

La Sté FIST vous a déjà adressé, aux fins de signature par vous-même, le document  
« Declaration and Power of Attorney » signé auparavant par Mmes BERGER et SAIED  
et M. LAUGIER pour régulariser le dépôt effectué aux Etats-Unis.

Ce document ne nous ayant pas été retourné, nous vous communiquons ce jour copie de  
la Déclaration signée par les trois co-inventeurs ci-dessus, et vous serions obligés de  
nous le renvoyer avec votre signature pour le 5 Août 2001 au plus tard, de préférence  
pour le 1<sup>er</sup> Août.

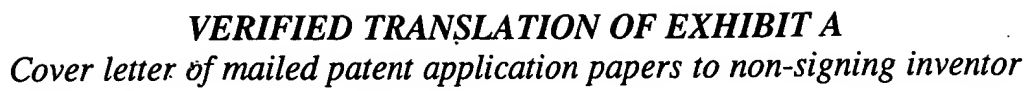
Nous joignons à cette Déclaration copie de la description, des revendications, des  
dessins tels que déposés.

Nous vous prions d'agréer, Monsieur, nos salutations distinguées.

  
Chantal PEAUCELLE

P.J. : 1 Déclaration + 1 description + revendications + dessins





U.S. patent application 09/600,073 of 11 July 2000 - National Phase of  
PCT/FR99/0040 of 12 January 1999  
«Method for exploring and displaying tissue of human or animal origin from a high  
frequency ultrasound probe»

## Morris Liss